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CM

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/073,825	05/07/98	TSUJIMOTO	S 0004634P

QM12/0705
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EXAMINER

PETERSON, K

ART UNIT

PAPER NUMBER

3724

DATE MAILED:

07/05/00

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/073,825

Applicant(s)
Tsujimoto

Examiner
Ken Peterson

Group Art Unit
3724



☒ Responsive to communication(s) filed on 19 May 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 8-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 8-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The request filed on 19 May 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/073825 is acceptable and a CPA has been established. An action on the CPA follows.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. '324 in view of Lucki et al or Vosburgh.

Yoshida '324 shows a bandsaw blade with most of the recited limitations. Many of Yoshida's 31 embodiments show the teeth settings of applicants claims with teeth of matching size and respective coaxial bending lines of matching length.

Yoshida's teeth do not have pitches that differ from one another. However, this is old and well known in the art as shown by Lucki or Vosburgh. It would have been obvious to one of ordinary skill in the art to have modified Yoshida by making the pitches differ from one another, as taught by Vosburgh, in order to decrease chattering and jumping (column 1), or by Lucki, in order to decrease sound levels (lines 60-64 of column 3).

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4. Made of record but not relied on are patents to German, Morrish, Armstrong '280 and Holston '422 showing teeth of differing pitches.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is (703)308-2186 from 7:15am to 4:15pm on Monday thru Thursday.

If attempts to reach the Examiner are unsuccessful, his supervisor, Rinaldi Rada, can be reached at (703)308-2187 from 7am-5pm on Monday thru Thursday.


Documents related to this Application may be submitted at anytime by fax transmission to (703)305-3579/3580.

Those willing to risk an internet security breach may e-mail the Examiner at kenneth.peterson@uspto.gov

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

kp

June 30, 2000



KENNETH E. PETERSON
PRIMARY EXAMINER